

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯ ಪಡೆಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು - 560 003

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E-office File No. KFD/HOFF/A5-1(MNG)/26/2020-FC
Encl....

E-296924

Date 05-02-2024

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M. S. Building, Bengaluru

Sir,

Sub: Diversion of 3.862 hectares of Forest land in Swamymalai (SM) Block, Near Ranjithpura, Sandur Taluk, Ballari District for Approach Road to mining lease No. 2245 [*e-auctioned C-category mine*] in favour of M/s Kirloskar Ferrous Industries Limited, Pune

Proposal No. FP/KA/MIN/44719/2020 [Form-A]

- Ref:**
1. Online (FORM A PART-I) proposal dated 15-08-2020 (resubmitted) by M/s Kirloskar Ferrous Industries Limited r/w uploading of Acknowledgement on 08-09-2020 for having delivered the hard copies of proposal to the jurisdictional Deputy Conservator of Forests and the Deputy Commissioner
 2. This office online communication dated 10-09-2020 to Deputy Conservator of Forests, Ballari Division for further processing of the proposal and letter dated 18-12-2023 to DCF, Ballari Division [*communicated the representation of M/s Kirloskar Ferrous Industries Limited reg adjustment of CA land and payments done in lieu of proposal no. FP/KA/MIN/41916/2019 against this proposal*]
 3. Online submission of PART-II on 02-02-2024 by the Deputy Conservator of Forests, Ballari Division [*Letter No. M1/MNG/Kirloskar/2245/2020-21(road) dated 09-01-2024*]
 4. Online submission of PART-III on 02-02-2024 by the Chief Conservator of Forests, Ballari Circle [*Letter No. M1/MNG/Kirloskar/Approch Road/CR-15/2023-24 dated 10-01-2024*]

1. M/s Kirloskar Ferrous Industries Limited, Pune [User Agency] has (re)submitted an online proposal (FORM-A PART-I) on 15-08-2020 through the FC web portal for seeking approval for diversion of 3.862 hectares of Forest land in Swamymalai (SM) Block, Near Ranjithpura, Sandur Taluk, Ballari District for a approach road

to mining lease No. 2245 [e-auctioned C-category mine] under Section 2 of the Forest (Conservation) Act, 1980. After uploading of acknowledgement on 08/09/2020 by the user agency on FC web portal for having delivered the hard copies of the proposal to the jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Ballari Division to process the said proposal further and to submit specific opinion / recommendation.

2. **Location details and component-wise breakup of forest land:** The location and component-wise breakup of forest land required for the project are as under.

District, Taluk, Name of Forest	Village (Sy No.)	Project component	Length (mtr)	Width (mtr)	Forest extent proposed for diversion (ha)	Status of forest land
Ballari District, Sandur Taluk, Swamymalai Forest Block of Sandur North Range	Swamymalai (SM) Block Forest (Sy No. -)	Approach Road	3862	10	3.862	* Section-4 notified area
Total					3.862	

*Government of Karnataka Notification No. FFD-29-FAF-84 dated 28-02-1985

3. **DCF, Ballari Division Report:** The Deputy Conservator of Forests, Ballari Division has inspected the site on 02/08/2023 and vide Ref (3) has submitted his report along with Site Inspection Report in PART-II to the Chief Conservator of Forests, Ballari Circle, Ballari. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Ballari Division and the Chief Conservator of Forests, Ballari Circle and also that of ICT Centre of the Forest Department are given below.

- The forest land proposed for diversion is in general landscape of Eco-class-III (Tropical Dry Deciduous Forests) with Open Forest (canopy density <0.4)
- As per Item 4(ii) of PART-II, there are no trees located/ required to be felled in the forest land proposed for diversion, as proposal is related to the existing old approach road.
- The forest land proposed for diversion is prone to soil erosion. The User Agency is required to take up soil erosion control measures all along the road and adjoining area.
- Major wild animals present in and around the project area include the Leopard, Sloth bear, Jackal, Hare, Wild Boar, Indian porcupine, Pangolin and Grey partridge among others.
- There are no other rare / endangered/unique species of flora and fauna reported in the area. The adjoining forest area is sparsely vegetated with mostly the herbs and trees like *Anogeissus latifolia*, *Buchanania angustifolia*, *Grewia tiliifolia*, *Terminalia tomentosa*, *Chloroxylon swietenia* and *Lagerstroemia parviflora* etc.

- f. The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- g. There is no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor within one kilometer from the boundary of the forest land proposed for diversion. Further, the proposed area is 21.38 km away from the Daroji Sloth Bear Sanctuary and 20.24 kms away from the Eco-sensitive zone of the Daroji Sloth Bear Sanctuary, 10.92 km away from the Gudekote Sloth Bear Sanctuary and 9.63 kms away from the Eco-sensitive zone of the Gudekote Sloth Bear Sanctuary.
- h. There are no Protected/ Archeological/ Heritage Sites/ Defence/ establishments located in the area.
- i. The requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
4. **CCF Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally. However, agreeing with the recommendation made by the DCF, Ballari Division, the Chief Conservator of Forests, Ballari Circle has also recommended the proposal. Specific comments of the Chief Conservator of Forests, Ballari Circle are mentioned in Item 15 & 16 of PART-II/III of the proposal cited at Ref (4) above.
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the latest Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide order dated 29-12-2023. **The User Agency will be required to pay the applicable charges as per the order issued vide the Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division), New Delhi letter F.No. 5-3/2011-FC(Vol-I) dated 06-01-2022 (guidelines regarding revised rates of NPV), dated 19-01-2022 (regarding proposals applicable for revised rate of NPV) and dated 22-03-2022 (regarding proposals applicable for revised rate of NPV).** The User Agency has submitted an undertaking dated 15-12-2023 agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.
6. **Compensatory Afforestation (CA):** Initially, the User Agency has identified CA land in Sy No. 62/A1 & 65/B1 of Mittesuguru Village, Siruguppa Taluk, Ballari District. The same has been mentioned in Form-A of this proposal. However, the User Agency has stated that, their proposed mining site under Proposal No. FP/KA/MIN/41916/2019 is situated within the Uttargudda Wildlife Sanctuary (Chitradurga District), where, due to Hon'ble Supreme Court's judgment dated 03-06-2022, the Forest Clearance (FC) for this mining proposal within the sanctuary area is not feasible. In this regard, the user Agency has requested to adjust the CA land given in the said proposal i.e., Mining proposal in Uttargudda Wildlife

Sanctuary, in lieu of this instant proposal of approach road i.e., Proposal No. FP/KA/MIN/44719/2020. **Copy of request letter and undertaking of the user agency are enclosed with this proposal.**

Accordingly, the details of revised CA land are mentioned below;

Sl.No.	District	Taluk	Village	Sy No	Extent in Ha
1	Vijayanagara	Hospet	Metri	45/B4A	0.50
2	Raichur	Maski	Bailugudda	67/1	3.50
Total					4.00

Further, it is pertinent to mention here that the above CA lands are already transferred and mutated in favour of the Forest Department and notified as 'Protected Forest' under Section-33 of the Karnataka Forest Act, 1963 vide Notification No. APAJI 06 FAF 2023 dated. 07.02.2023 & No. APAJI 04 FAF 2023 dated. 07.02.2023. **Copy of the CA suitability, CA Scheme, RTC, Mutation & PF notifications are enclosed with this proposal.**

7. **Status of RoFR compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, **the User Agency has obtained Certificate in Form-I (for Linear projects) under Forest Rights Act-2006 from the Deputy Commissioner vide letter No. BLR-DC-33011/15/2020-BLRDC_Forest-Ballari DC dated.18.10.2021** over an extent of 3.862 hectares, as per Annexure IV, Condition No. XXV of the latest Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide order dated 29-12-2023. Copy of the RoFR certificate Form-I (For linear projects) is enclosed with this proposal.

8. Additional Information:

A. Mining Lease:

- a) The original Mining Lease Deed for ML No.1750 (old) was made in favour of M/s Bharath Mines and Minerals for a period of 5 years on 22-05-1981 with effect from 06-04-1981 for an extent of 99 Acre (40.06 hectare) in Nandihalli Village, Sandur Taluk. The mining lease was subsequently renewed twice under the MMDR Act.
- b) Later on, the Government of Karnataka (Commerce and Industries Department) vide Notification No. CI 83 MMM 97 dated 16-03-1999 had accorded sanction for the fourth renewal of mining lease for a period of 20 years w.e.f. 06-04-1996 in favour of M/s Bharath Mines & Minerals over an area of 64.80 Acre (or 26.20 ha) of forest land in Nandihalli village, Sandur Taluk, Ballari District. Thus, the mining lease was technically valid up to 05-04-2016.

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- c) Meanwhile, the Mining Lease No. 2245 of M/s. Bharath Mines & Minerals was cancelled and auctioned by the Department of Mines & Geology as per the direction of the Hon'ble Supreme Court vide its order dated: 18.04.2013 in its Writ Petition No.562/2009.
- d) Subsequently, the Department of Mines and Geology has e-auctioned the said mine and M/s. Kirloskar Ferrous Industries Limited, Bevinahalli has been declared as successful bidder of ML No.2245 (C-category mine) through e-auction.
- e) Further, the Director, Mines & Geology Department Bangalore has executed the Mining Lease Deed No.0016 on 08.03.2021 (*Vide No. DMG-17012/9/2018/2020-21/9408 dated. 08.03.2021*) for a period of 50 years from the date on which the duly executed mining lease deed is registered (i.e., from 09.03.2021). The said Mining Lease deed is registered at Sub-Registrar, Sandur vide Registration No. SNR-1-02459-2020-21 Dt.09.03.2021

B. Forest Clearance for Mining Lease area:

- a. The first time FC for the mining lease in favour of M/s Bharath Mines and Minerals was accorded under the Forest (Conservation) Act, 1980 vide Government of India letter F.No. 8-84/91-FC dated 25-02-1997. Accordingly, the Government of Karnataka vide Order No. FEE 43 FFM 90 dated 06-03-1997 sanctioned the forest lease for 26.20 hectare in Nandihalli Village, Sandur Taluk for the period of 30 years in favour of M/s Bharath Mines & Minerals.
- b. Subsequently, the Government of India, Ministry of Environment and Forests, New Delhi vide letter F.No. 8-84/91-FC dated 17-04-1997 reduced the FC validity period to 10 years co-terminus with the mining lease under the MMRD Act.
- c. Thereafter, the Government of India, Ministry of Environment and Forests, New Delhi vide its letter dated 11-12-1997 revised the FC period once again to 20 years with effect from 06-04-1981. Accordingly, the Government of Karnataka also issued the Corrigendum vide No. FEE 47 FFM 90 dated 04-06-1998. Thus, the FC expired on 05-04-2001.
- d. The FC was then renewed by the Government of India vide letter F.No. 8-63/2000-FC dated 20-03-2001 for an extent of 26.20 ha for a period of 20 years with effect from 06-04-2001. Accordingly, the Government of Karnataka vide Order No. FEE 32 FFM 2000 dated 04-04-2001 renewed the forest lease for a period of 20 years w.e.f. 06-04-2001, thus making it valid up to 05-04-2021.
- e. Further, the Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Bangalore the Government of India vide order No. 4-KRC1279/2021-BAN/301 dated. 07.12.2023 and the Government of Karnataka vide Order No. FEE 05 FFM 2021(e) dated 16.01.2024 r/w corrigendum dated 29-01-2024 have accorded Stage II approval and issued Government order for renewal of Forest Clearance for 24.47 hectare of

Forest land in Ranjithpura Village, Swamymalai (SM) Block, Sandur South Range, Ballari District in favour of M/s. Kirloskar Ferrous Industries Limited, Bevinahalli for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulation) Act, 1957.

C. Regarding request of user agency to adjust the CA land and statutory levies provided in the Proposal No. FP/KA/MIN/41916/2019 i.e., C-category mine proposal with the present approach road proposal i.e., Proposal No. FP/KA/MIN/44719/2020: As per, the Deputy Conservator of Forests, Chitradurga Division's report, the proposed forest land of Proposal No. FP/KA/MIN/41916/2019 i.e., Sy No 109 of Lakkihalli Village and Sy No. 64 of Kenkere Village of Hosadurga Range falls under the "Uttaregudda Wildlife Sanctuary" notified by the Government of Karnataka vide Notification No. FEE 138 FWL 2022 dated 31-12-2022. (Copy enclosed).

In this connection it is brought to the notice, the Hon'ble Supreme Court's judgment in I.A. No. 1000 of 2003 in the matter of WP (Civil) No. 202 of 1995 dated 3rd June, 2022 vide Para No. 44 (d), wherein it has explicitly prohibited any mining activity within the National Parks and Wildlife Sanctuaries.

Earlier, the User Agency had already been accorded the 'in-principle' Stage-I approval vide Government of India's letter dated 21-04-2022 (*which is prior to the notification of "Uttaregudda Wildlife Sanctuary" dated 31-12-2022*) and they have submitted the compliance to the stipulated Stage-I conditions which included payment of all the levies such as CA Charges, NPV charges, Safety Zone charges etc., and they have also provided non-forest land for CA purpose (The same has been notified as 'Protected Forest'). Now, in view of the Hon'ble Supreme Court's Judgment the user agency has requested to adjust the CA land and statutory levies with this approach road proposal.

In this regard, since the mining activity in wildlife area is prohibited as per the Hon'ble Supreme Court of India, the proposal for mining i.e., "*Diversion of 11.178 hectare of forest land (7.57 ha for mining and 3.608 ha for approach road) in Lakkihalli Village Sy No. 109, Kenkere Village Sy No. 64 and Madadakere Village Sy No. 70, 87 & 71, Madakere Hobli, Hosadurga Taluk, Chitradurga District for ML No. 2566 [an auctioned C-category mine]*" and its in-principle approval needs to be canceled and Statutory amount and CA land provided by the user agency may be adjusted in their other proposals (such as this proposal) and remaining may be reimbursed to the user agency upon their specific request.

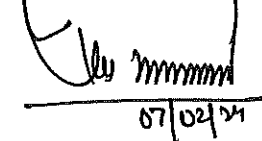
In light of the facts stated above, it is requested to move the proposal with the Government of India for according 'in-principle' (Stage-I) approval for diversion of 3.862 hectares of Forest land in Swamymalai (SM) Block, Near Ranjithpura, Sandur Taluk, Ballari District for Approach Road to mining lease No. 2245 [*e-auctioned C-category mine*] in favour of M/s Kirloskar Ferrous Industries Limited, Pune under Section 2 of the Forest (Conservation) Act, 1980 for a period Co-terminus with the mining lease granted under MMDR Act, 1957

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(as Amended) subject to production of FRA certificate and also subject to the conditions specified in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours faithfully,



Brijesh Kumar Dikshit, IFS)

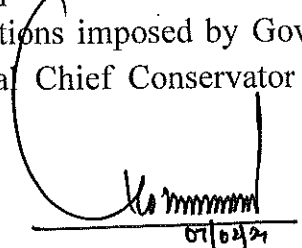
Principal Chief Conservator of Forests
(Head of Forest Force)

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Ballari Division, Ballari for information.
3. M/s Kirloskar Ferrous Industries Limited, Laxmanaro Kirloskar Road, Khadki, Pune, Maharashtra – 411 for information and with a request to obtain and submit the FRA Certificate in FORM-I (for Linear Projects) as mentioned above at the earliest.

ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Government from time to time.
3. The lease tenure shall be Co-terminus with the mining lease granted under MMDR Act, 1957 (as Amended).
4. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The Chief Conservator of Forests / Deputy Conservator of Forests concerned is authorized to take necessary action in this regard.
5. In case any violations are committed by the user agency under the forest laws, the forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963.
6. No constructions other than formation of approach road shall be permitted in the proposed forest area.
7. The User Agency has to pay the Net Present Value (NPV) for forest land diverted.
8. The User Agency has to pay charges towards SMC works in the forest area of the proposed approached road to a width of 100 Mtrs on both sides along with avenue plantation of local species, to be taken up by the Karnataka Forest Department.
9. The User Agency shall ensure that there is no damage to the available fauna and other flora in and around the leased area. Any violation will be liable for action under relevant forest and any other laws.
10. No labour camp shall be established in the forest area.
11. All waste / debris generated shall be scientifically disposed off.
12. All precautions shall be taken to ensure fire- protection of the forest while executing the works.
13. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
14. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
15. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
16. The User Agency shall also abide by all the conditions imposed by Government of India, Government of Karnataka and the Principal Chief Conservator of Forests, (Head of Forest Force).



Principal Chief Conservator of Forests
(Head of Forest Force)

PART - IV

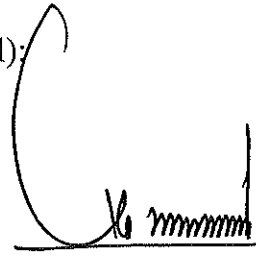
(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).</p>	<p>Recommended for diversion of 3.862 hectares of forest land in Swamymalai (SM) Block, Near Ranjithpura, Sandur Taluk, Ballari District for approach road to mining lease No. 2245 [e-auctioned C-category mine] in favour of M/s Kirloskar Ferrous Industries Limited, Pune under Section 2 of the Forest (Conservation) Act, 1980 for a period Co-terminus with the mining lease granted under the MMDR Act, 1957 (as amended) subject to production of FRA certificate and also subject to the conditions specified in Annexure 'A'.</p> <p>[Proposal No. FP/KA/MIN/44719/2020, [Form-A]</p>
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Signature:
Name:
Designation:


VIJAY SHARMA IFS
Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)

(Official Seal):


Brijesh Kumar Dikshit, IFS
Principal Chief Conservator of Forests
(Head of Forest Force)

Counter signed by:
Name:
Designation:

(Official Seal):

N.D.O. No: 304/2023-24
Date: 07-02-2024.

